



EHS Strategies, Inc.  
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February 11, 2008

Federal Trade Commission  
Office of the Secretary  
Room H-135 (Annex B)  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Re: Green Guides Regulatory Review, 16 CFR Part 260, Comment, Project No. P954501

Dear Sir or Madam:

The basic principles of the Green Guides are important to maintain and extend to the current plethora of “green” claims appearing in the US market.

- Claims need to be technically accurate and supported by scientific data.
- Claims should not be misleading to the consumer insofar as they imply environmental benefit that is not and/or cannot be substantiated.

Several current marketing claims are violating these basic standards and need enforcement and publicity from the FTC to ensure consumers receive good information on which to base purchases.

“Chemical Free”

1. This is a straightforward task for specified chemical content (e.g., “lead-free”). If the level of the chemical is typically detectable at greater than background or regulated levels, the product is not “free” of that chemical.
2. The generic claim “chemical free” is gaining popularity as the public is encouraged to believe that “chemicals” are bad for you. Such a generic claim is bogus insofar as all things – all matter – are made of chemicals, each with a dose that will cause adverse health or environmental effects. This is true whether the chemical was found and extracted from nature or man-made. This is a misleading claim and technically inaccurate and should be discouraged for use with regard to any product or as part of any marketing (or anti-marketing) activity.

#### “Sustainable”

1. The definition of sustainable is varied, made up of value-laden general terms and controversial. It is currently not capable of substantiation as a stand-alone claim.
2. It is not technically possible at this time to define sustainable as a general term of art.
3. Even with regard to specific attributes (e.g., a chemical component is derived from a renewable plant resource), it cannot be clearly argued that the attribute is “sustainable” since there is no generally accepted definition for the term.
4. At best, companies can talk about their programs regarding sustainable development in a full text document (e.g., on their website or in their “Corporate Sustainability Report”).
5. FTC should discourage use of “sustainable” as a claim for a product until a clear consensus on metrics defining the term are developed.

#### “Green” “Eco” – “Natural” Terms, Logos and Artwork

1. These terms and visual claims are more likely than not equivalent to FTC’s prohibited term “environmentally friendly” as unqualified claims for a product.
2. Such claims should never appear without clear statements of the specific attributes being claimed. While reference to third party standards and websites are useful, they are likely not to be investigated by the consumer at the point of purchase. Insofar as possible, sufficient point of sale information should be made available to the consumer as to what the environmentally preferred attributes are.

#### “Environmentally Preferable”

1. Such claims need to be carefully referenced as to which attribute(s) make the product preferred. Those claims must be technically supported. Reference to defined programs should be clear to the consumer.
2. There needs to be a significant improvement or reduction in impact relative to a historical or existing product for the attributes, e.g., >10%.
3. Unqualified claims should not be allowed.

FTC should bring enforcement action against egregious violators and should educate members of the public on the merits of marketing claims and how they can obtain valid information to support their purchasing decisions.

Sincerely,

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